

# EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION**

**KEITH EUBANKS,**

**Plaintiff,**

**v.**

**ENDEAVOR ENERGY  
RESOURCES, LP,**

**Defendant.**

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§

**CIVIL ACTION NO. 7:21-cv-00061-DC**

**DECLARATION OF MARK WEBSTER**

Pursuant to 28 U.S.C. § 1746, I, Mark Webster, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am an adult over the age of 18 years old, and I have personal knowledge of the information contained in this Declaration.
2. I work for Defendant Endeavor Energy Resources, LP and I have direct and personal knowledge regarding the facts stated in this Declaration.
3. I prepared the notes detailing my business interactions while at Endeavor contained in [Endeavor (Eubanks) 000747-84] at or near the time of the conversations I had with the various individuals identified in the notes. They were kept in the course of my regularly conducted activity while working at Endeavor and maintaining these notes were a regular practice of mine. I am the custodian of the notes produced as [Endeavor (Eubanks) 000747-84] in the above-captioned action and the copies produced over the course of discovery are true and accurate copies of the same.


**DECLARATION OF MARK WEBSTER**

**PAGE 1**

4. I engaged in the text exchange with Darla Miller, as attached to an email I sent to Amanda Cooke on September 13, 2019, the contents of which have been produced as [Endeavor (Eubanks) 001721-36]. The email and text message were made at or near the time of the text exchange and kept in the course of my regularly conducted activity while working at Endeavor as a regular practice of mine. I am the custodian of the text messages attached to the email of September 13, 2021 which has been produced as [Endeavor (Eubanks) 001721-36].

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This, the 21 day of April, 2022.

  
\_\_\_\_\_  
Mark Webster

4890-6149-8909.2 / 075713-1017

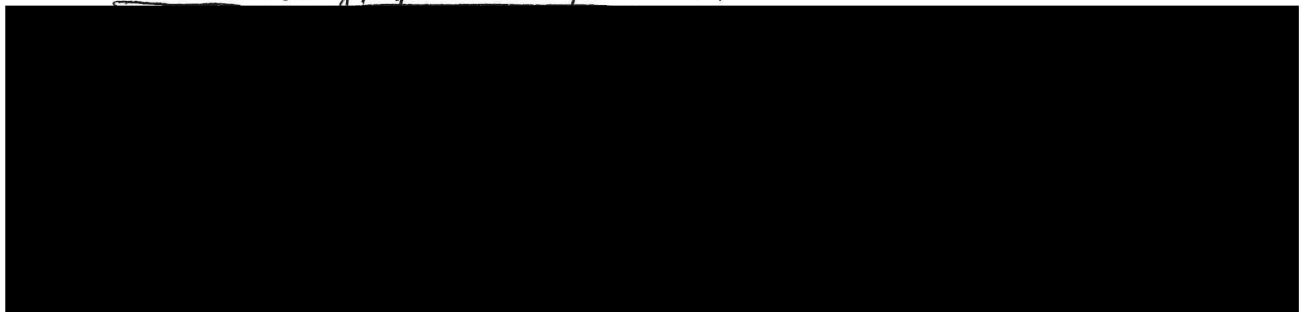
# EXHIBIT D-1



Copied and redacted pages from the journal of Mark

Datum / Date:

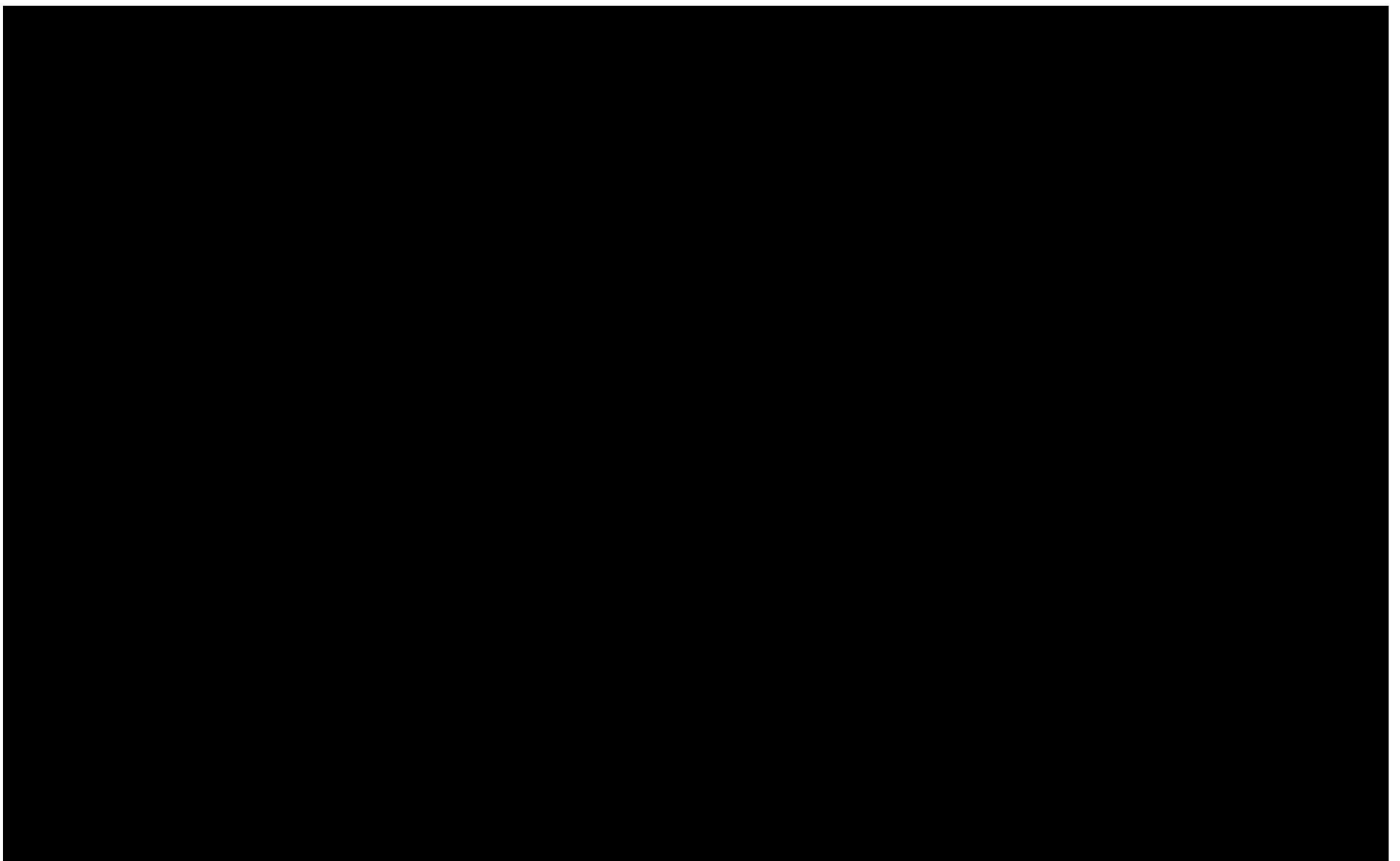
Wednesday, June 12, 2019

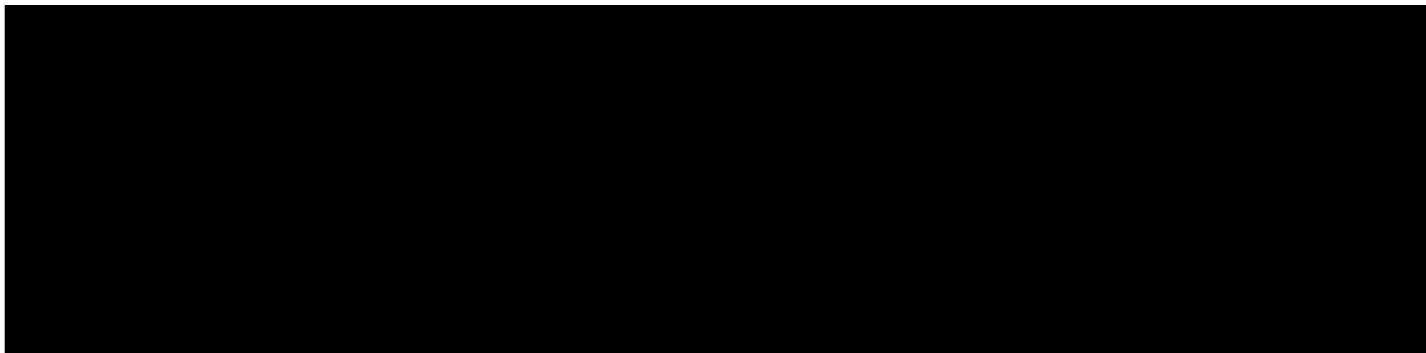


Scott Rovira:

- get field guys integrated
- data analysis re behavior based, incidents
- \* - Cannot be legalistic, e.g. what is legal, must be what it takes to keep guys safe, e.g. OSHA inspection checklist, Contingent HSE reps responsibility, but can't use/write up. Review not allowed.

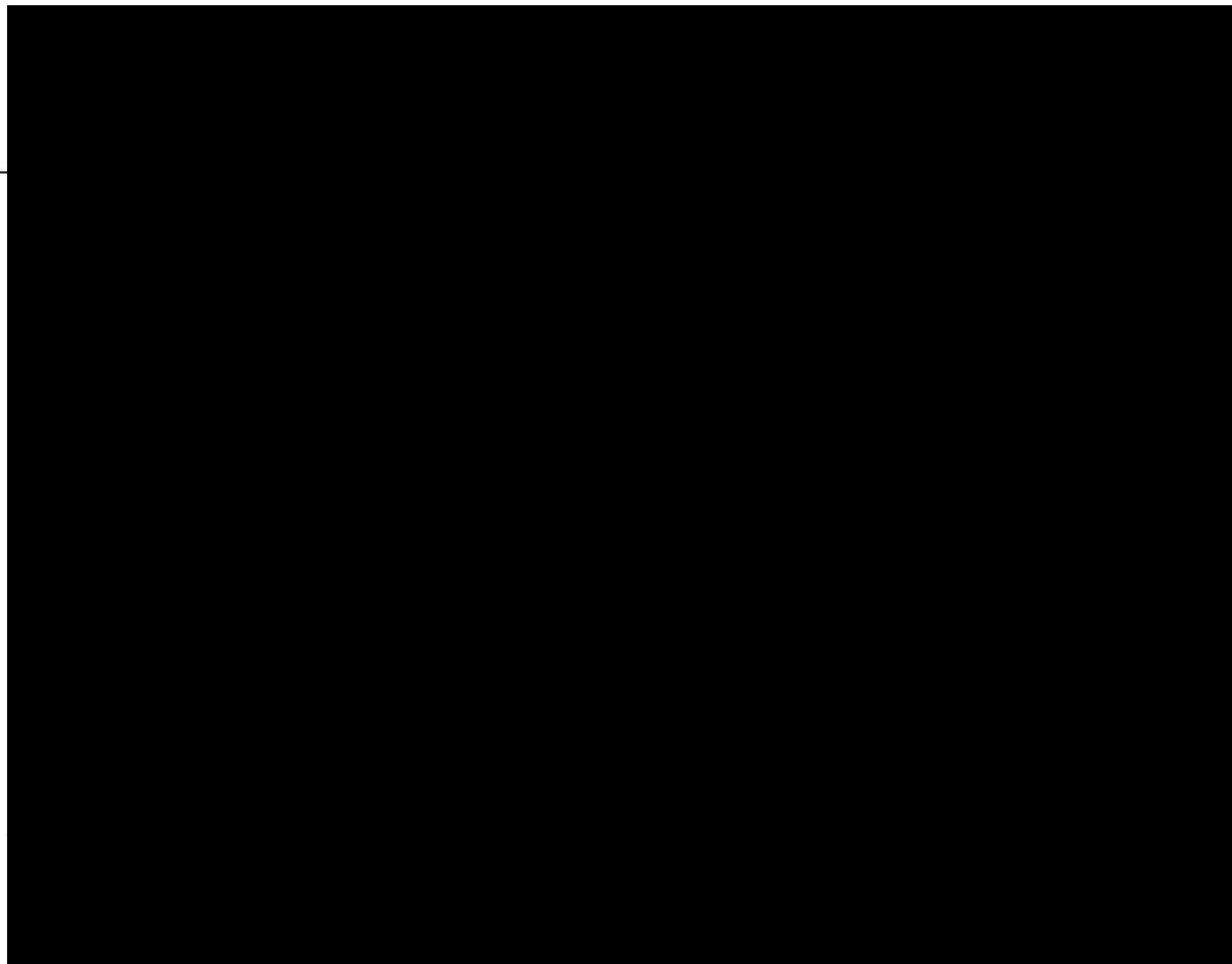
KE





Scott Rabin - getting Contractor data in +  
out of industry safe.  
2 - asked ~~the~~ Keith to follow-up with drilling team  
to understand their request + work to remedy.

Friday, July 12, 2019

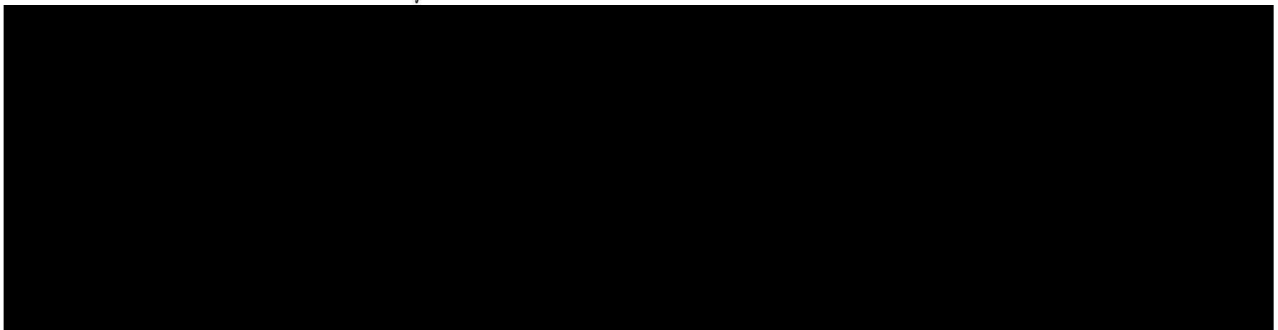


Tuesday, July 23, 2019

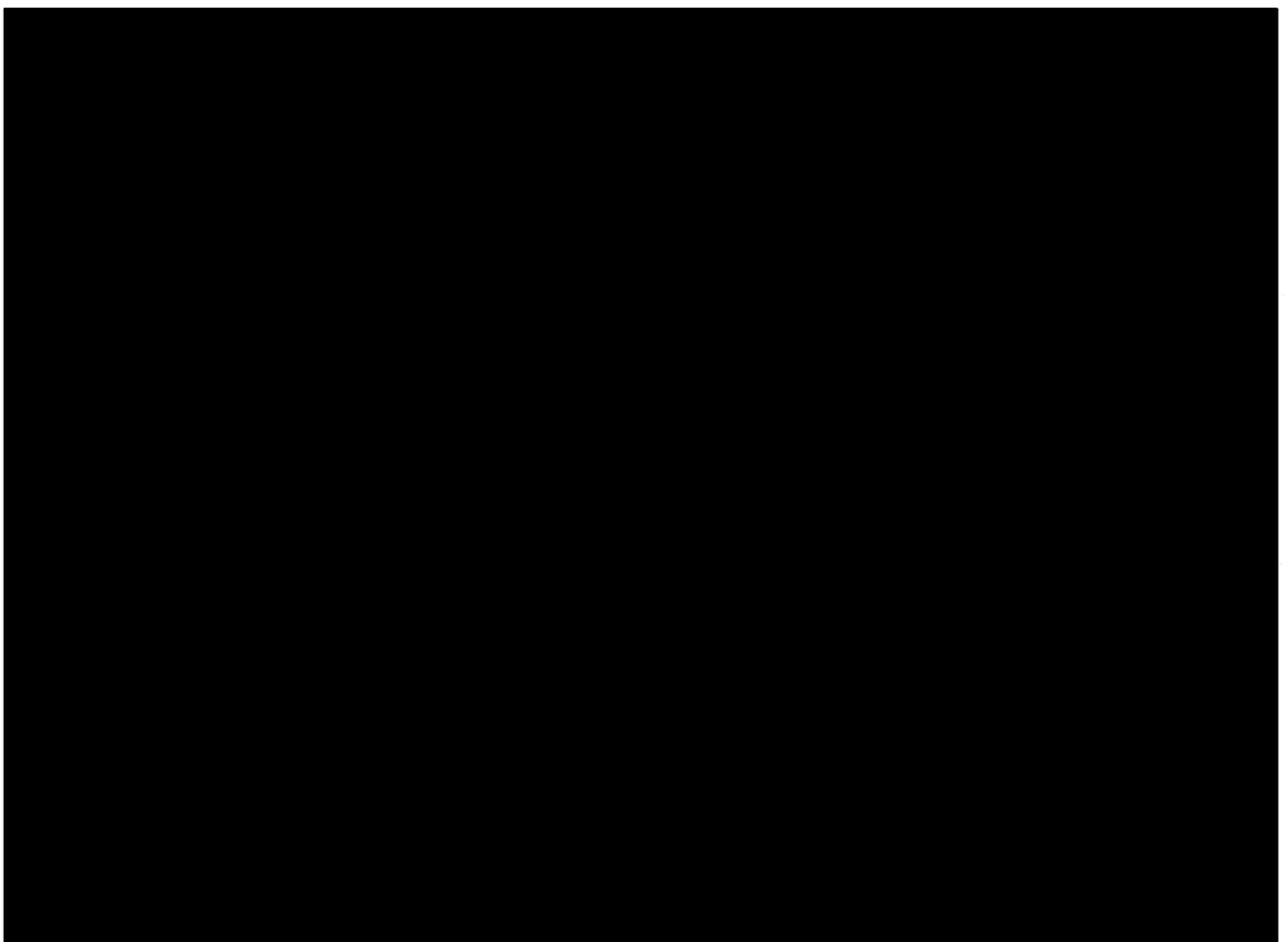
KE#2 Kevin <sup>resignation</sup> - previously worked for safety contractor. Used  
Endeavor 1 1/2 yrs. Passion to get in corporate HSE  
training - Targa Resource. Endeavor Training not as  
specialized as what he is looking for. Com<sup>2</sup> stuff not  
getting done that should be, e.g. SWD breathing air  
systems, 4-gas monitor. (he put time in but not resolved).  
Targa in the works for two months. Money and benefits  
are better. More flexible schedule. <sup>4</sup> Never saw  
vision of being here / retiring here. ~~frustration with~~

## VP HSE Check-In

- Keith - resistant to change - especially liability in keeping men safe.
- Keith - met with Mark & Cliff weekly & send Communication weekly to two individuals Shod (Drilling and Service people) Eventually



Friday, July 26, 2019



Datum / Date:

Nov 13

Monday, July 29, 2019

KE - Keira - request to set standing meeting weekly w Mark + Chip; and  
send update comms weekly to Ops team - see Seminar + D+C launch

Datum / Date:

Tuesday July 30, 2019

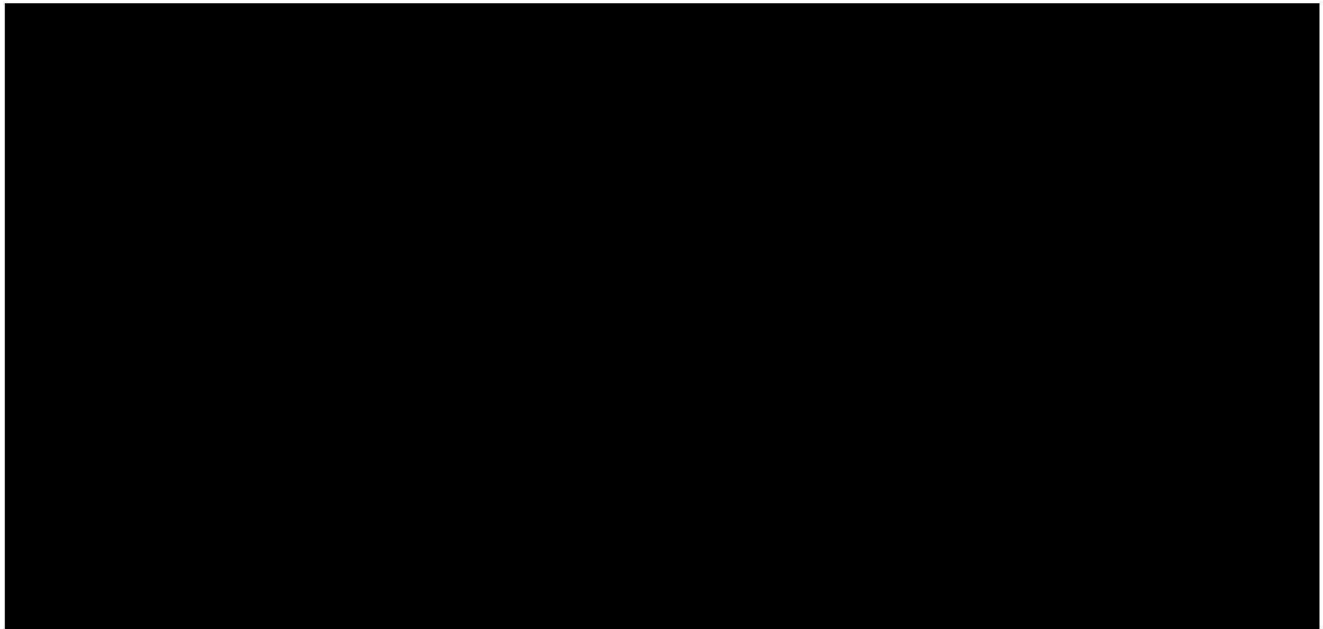
Out w/ Chris White

KE - Complaints about Keith's leadership

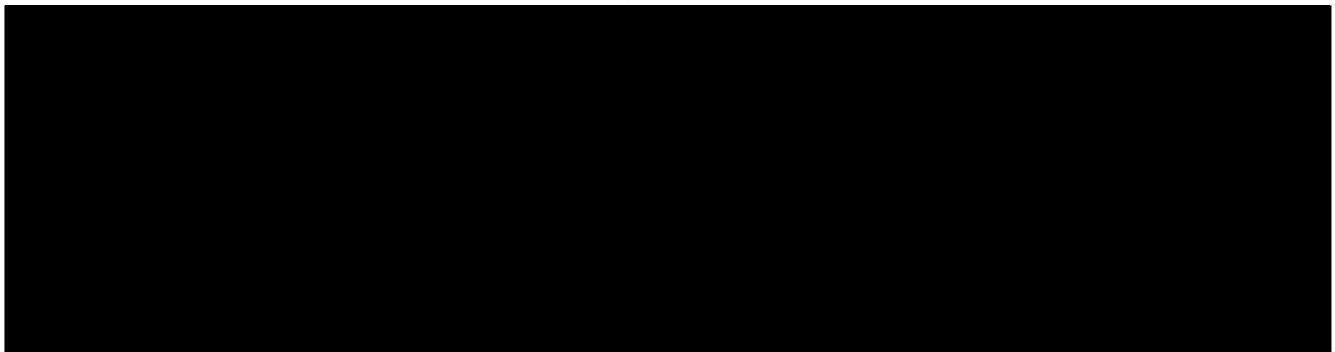
Don't feel trusted / supported

Wants to learn + someday be in leadership position. Has previous HSE experience, in a great position now to pick up Production experience.

Datum / Date:

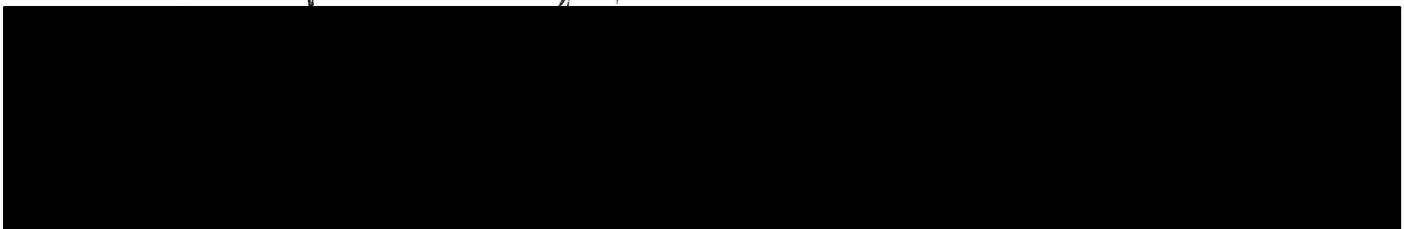


Fr Chris White  
- Confided in her that she needs to get  
out from under Keith



Thursdy, August 1, 2019

Amada - of Undermining, not tolerated



Datum / Date:

Monday, August 5, 2019

E - the production safety manual is 500 pages. Most don't know it exists




Datum / Date:

09

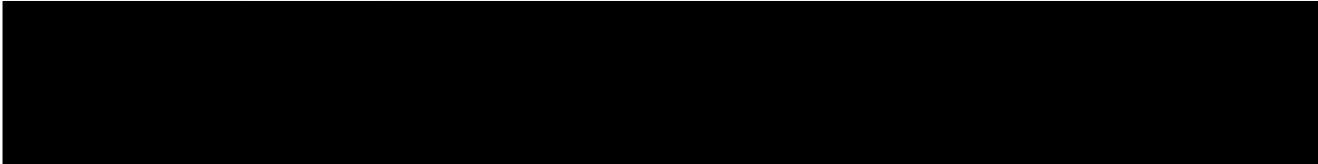
Monday, August 12, 2019

• Keith will put together a proposal / plan forward to Niche  
Contractor data funding



KE - did not complete preliminary Pickman A-5  
incident report by last Friday as agreed. Will  
complete this week.

Tuesday, August 13, 2019



Datum / Date:

Thursday, August 15, 2014

Keith Midyan Review - Prep:

- \* self - assessment:
  - project/deliver
  - OFI
- \* feedback from team - OFI
- \* feedback from me:
  - broad technical capability
  - broad Endeavor experience / knowledge
  - I expect as a senior leader to
    - plan and run an offense
    - ~~to~~ Communicate ownership for ~~team~~ C7
    - ~~to~~ I.D + solve problems, focus on and build relations; ~~to~~ drive out negative comments "if you have a culture of compliance, people have"
    - inspire and be role model for to team + peers
    - follow through and deliver
      - Richer North A-5 investigation missed deadline (8/12)
      - Contractor data quality plan (8/12) <sup>1st</sup> (7/11)
      - production safety manual lack of awareness / use (8/15)
      - Contractor P&C data connections plan (8/3)
      - feedback of team undermining / ~~being~~ being negative (7/30) (7/23)
      - not communicating <sup>integrated</sup> Ops Mgmt (7/24) (7/25) (7/12)
      - resistant to C7 / change (7/25)
      - not driving job putting fill      + lack of Prod safety in training
      - ~~working less important tech that individual contributors should be~~
- \* feedback to me
  - meeting (his feedback)
  - \* feels <sup>key</sup> big achievements are:
    - safety meeting arranged
    - safety Council kicked off (end of last year)

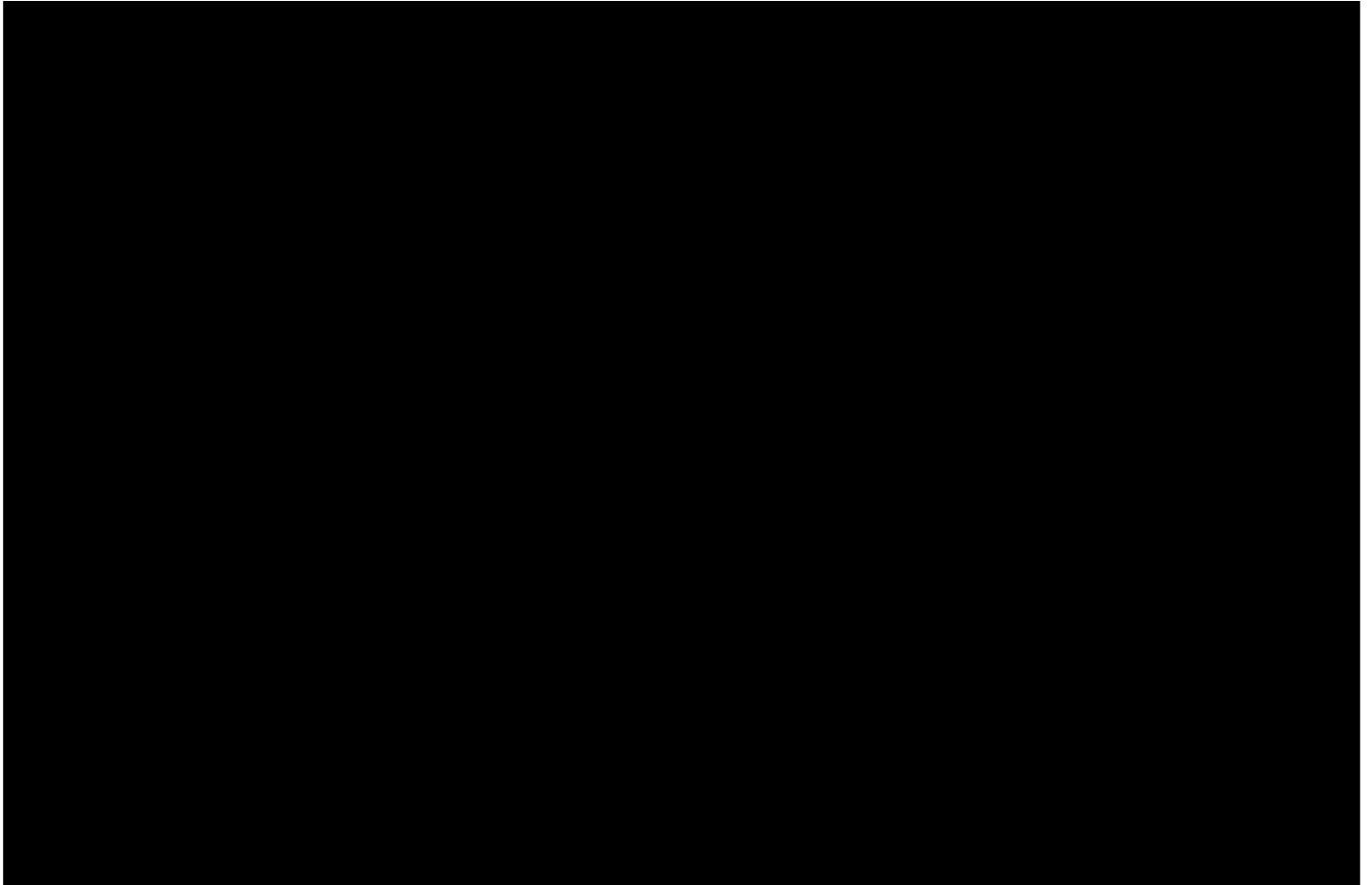
Datum / Date:

- struggling covering with shortage of staff
- 811 project

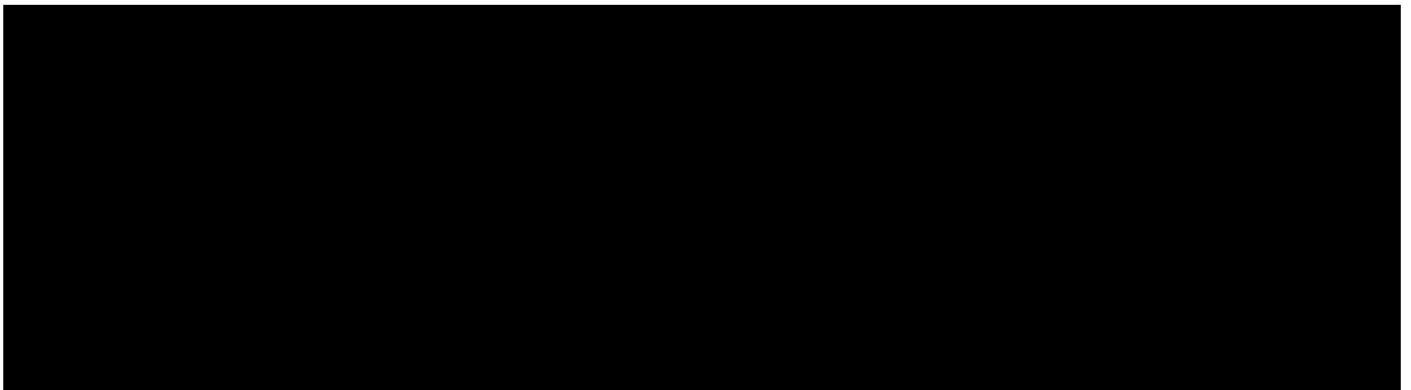
OFR: (things to work on 2H)

- H2S training - lack of hands on
  - Overall training conference w/in Portland
  - integration / Comm / buy-in w/ ops leadership
  - need more <sup>+</sup> engaged to help the new CMRS succeed
  - better delegation - time to lead
  - feedback from team - they need more training, e.g. HDS; need to spend some time out + about with them, ~~app~~
  - Has issues with Joe - feels he doesn't keep confidences.
    - I asked him to resolve or ~~as~~ get the three of us together
- \* I need to go ADP + enter

\*\*\*\*\*




Tuesday, August 20, 2014



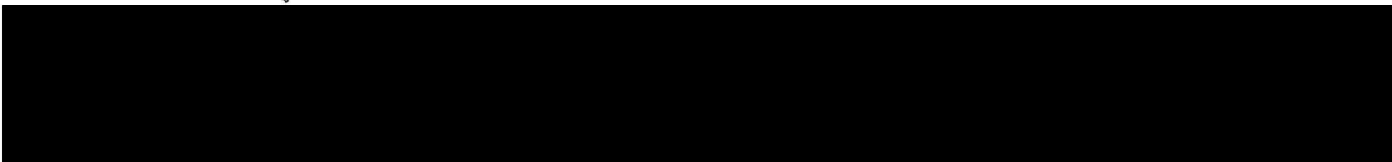
~~LE~~

~~LE~~ - M files - pull together plans, agreed by managers. No more working in  
larger team meeting... I had asked for this before. It  
is making the meeting inefficient and depressing to teams as  
they don't know what to do.

Datum / Date:

- KE - Richman Ranch A-5 investigation :
- not a finding report - Extended Unit
  - Summary
  - Brief timeline
  - HEAR
  - Ops log in
- 

Wednesday, August 21, 2019



Datum / Date:

✓, Aligns ERP w/ Facilitator ERP

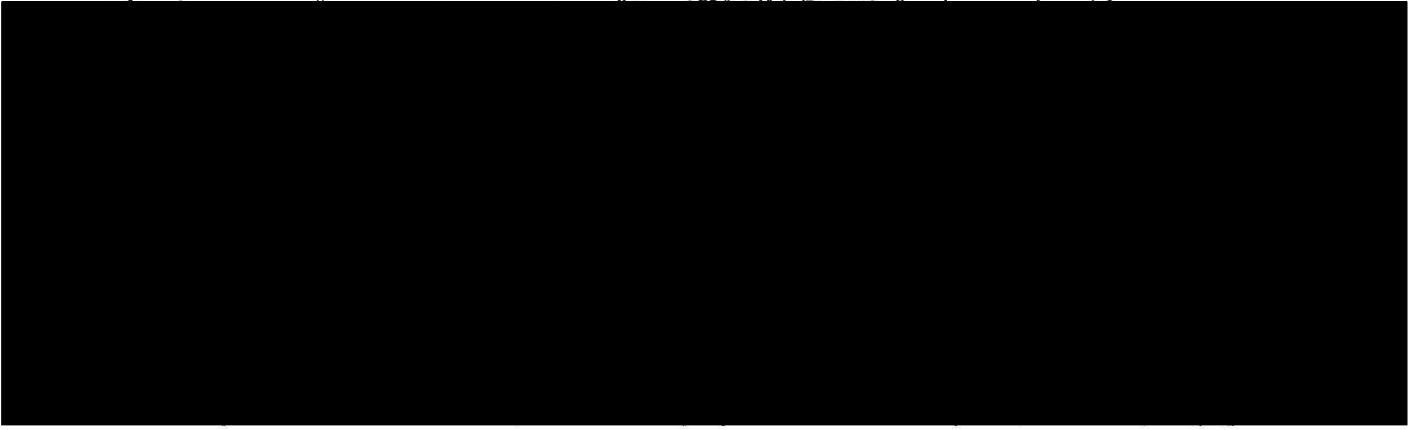
✓ flowback & battery startup review / learning exposed? (design it out) (9/25)



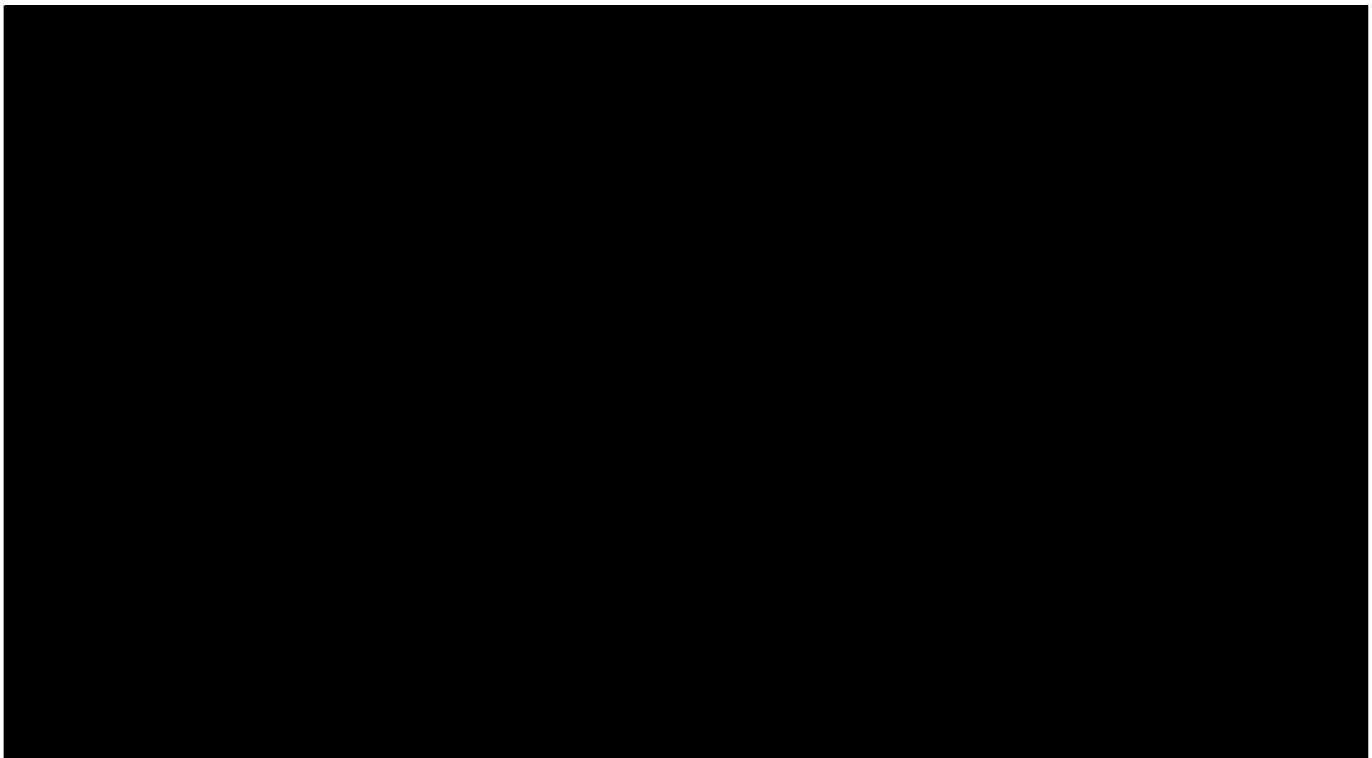
Monday, November 4, 2019



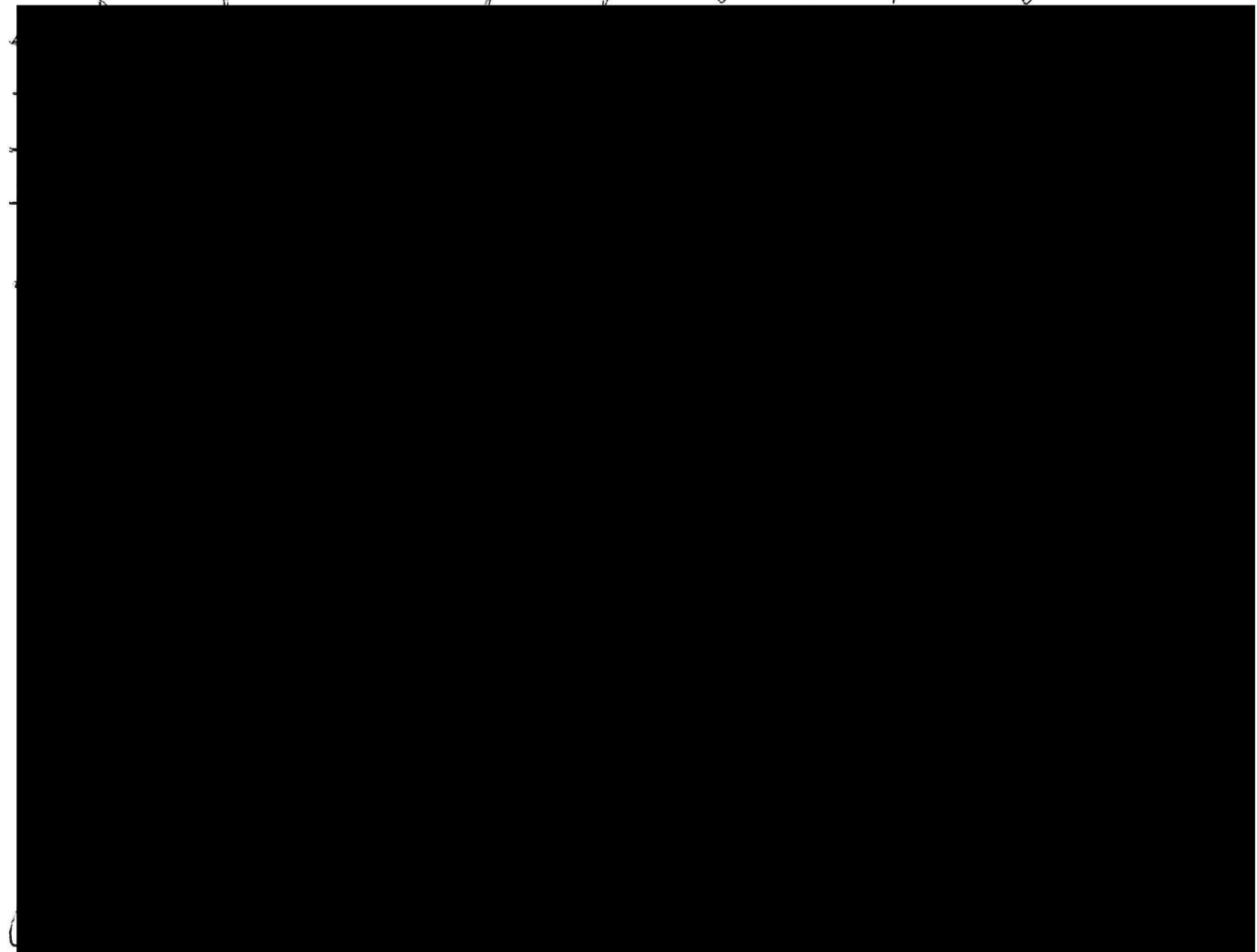
\* ✓ Keith - flamework learnings / design study (p88 + p74)

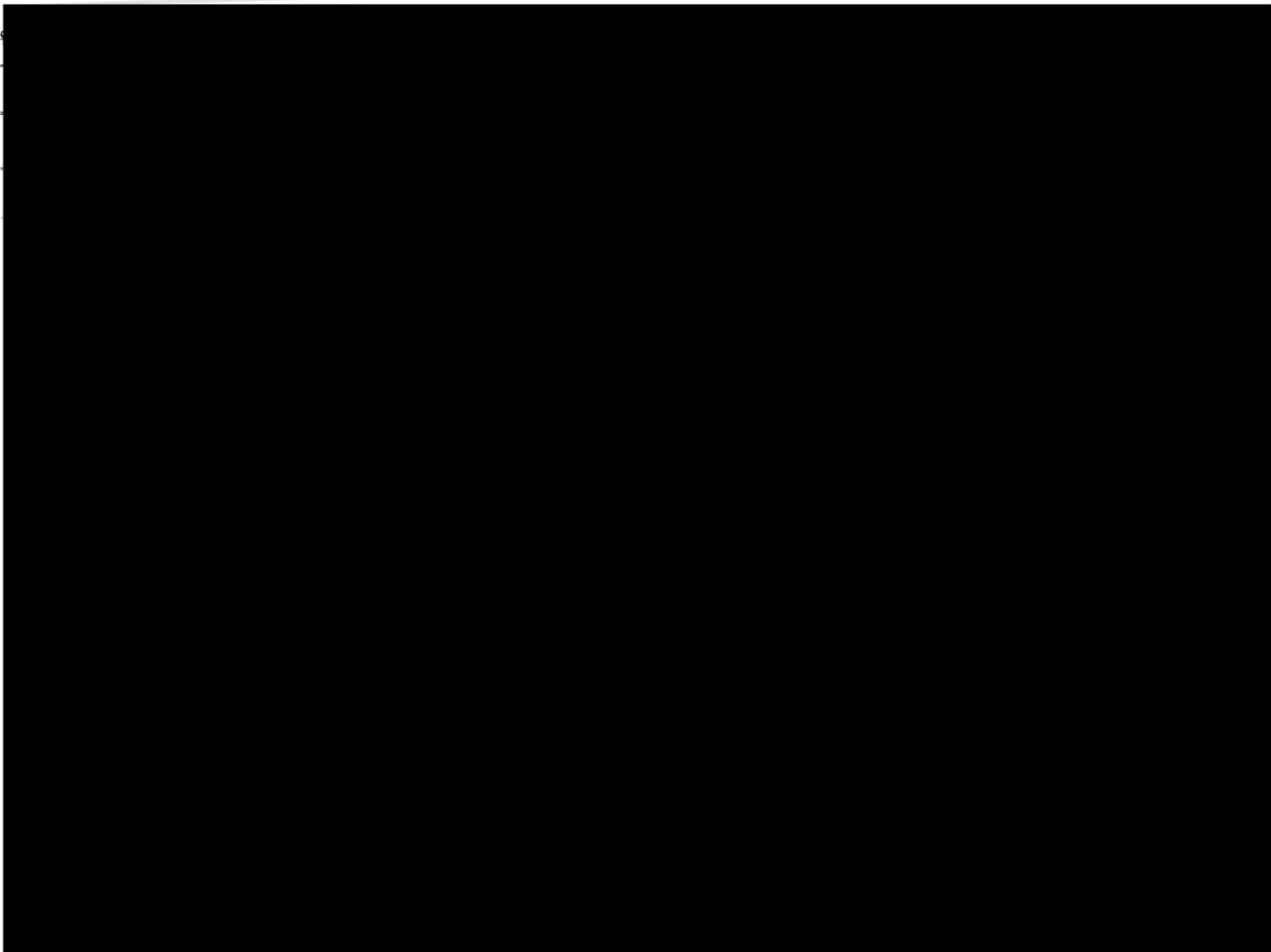




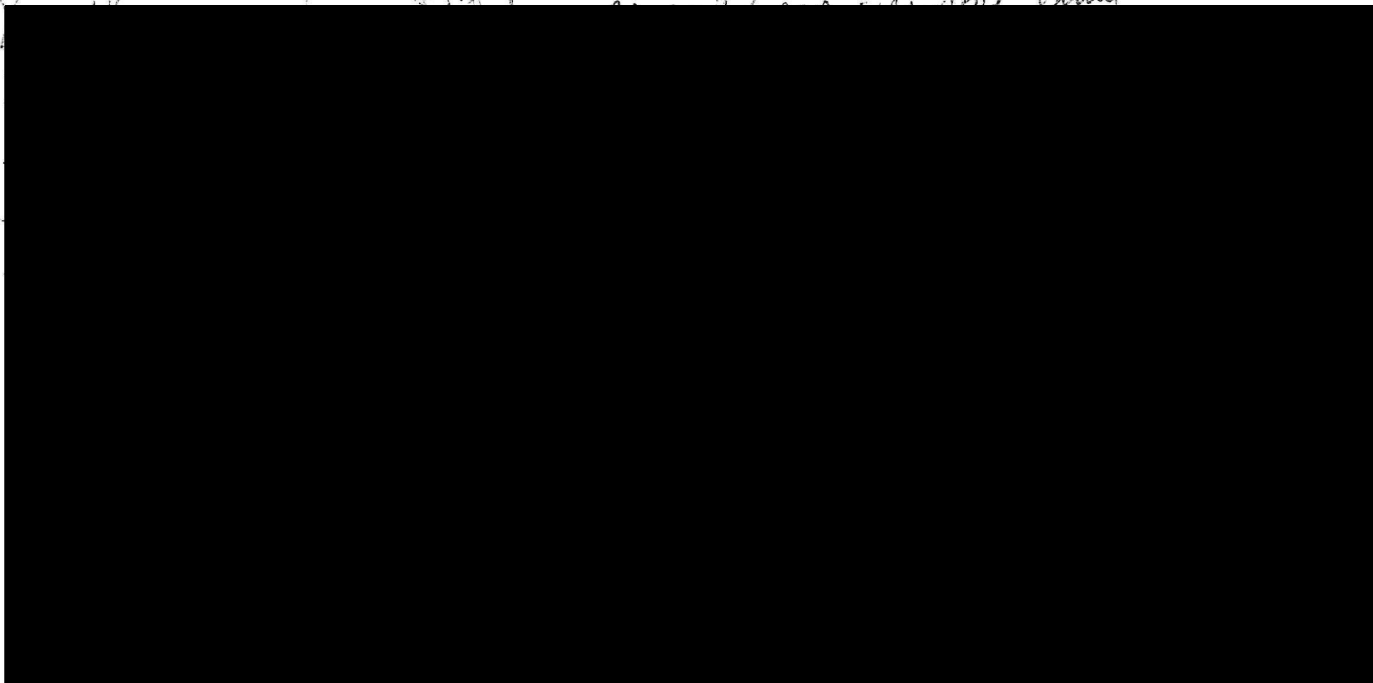


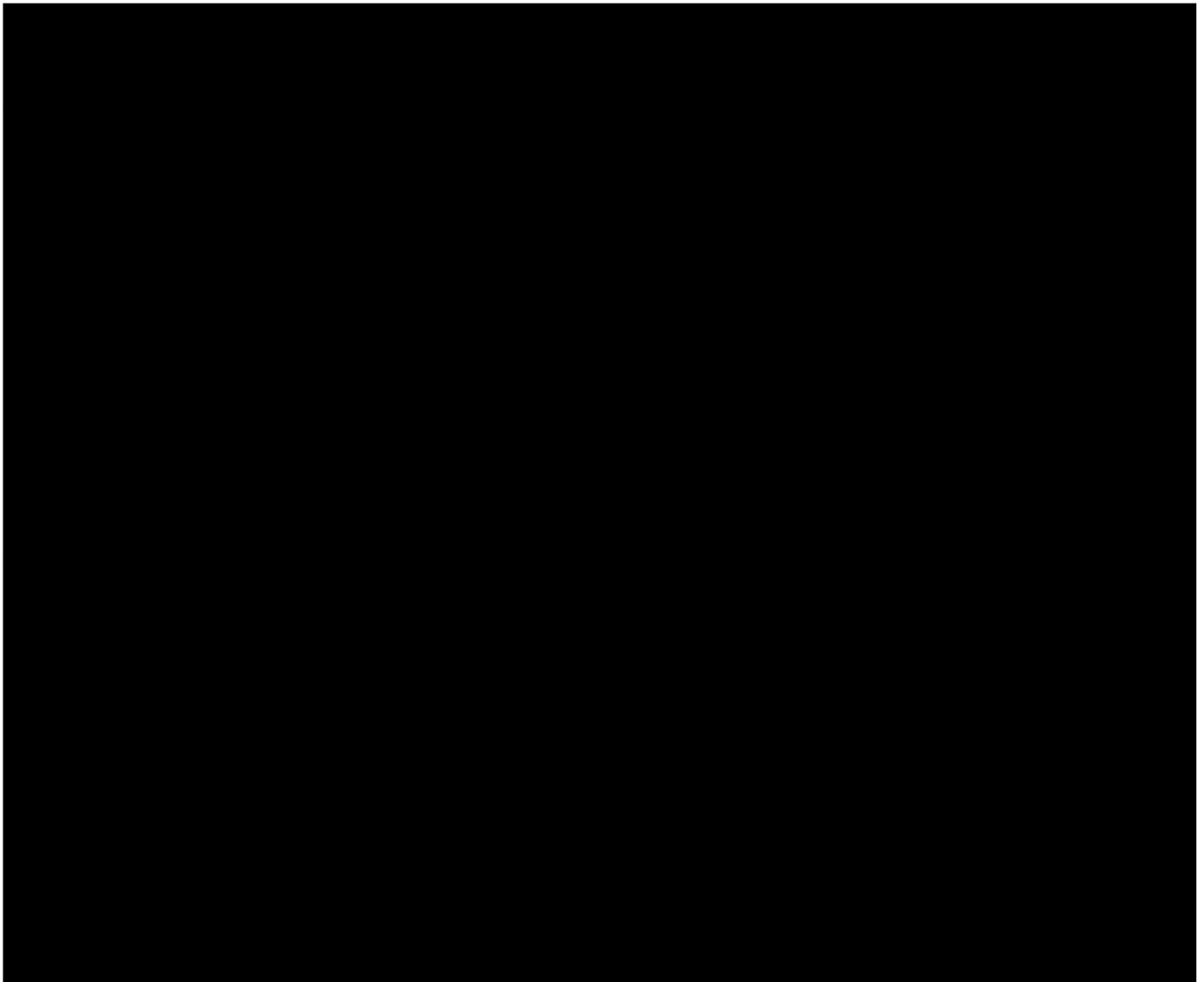
✓ Keith: flowback learnings / design study (74+78) preliminary results



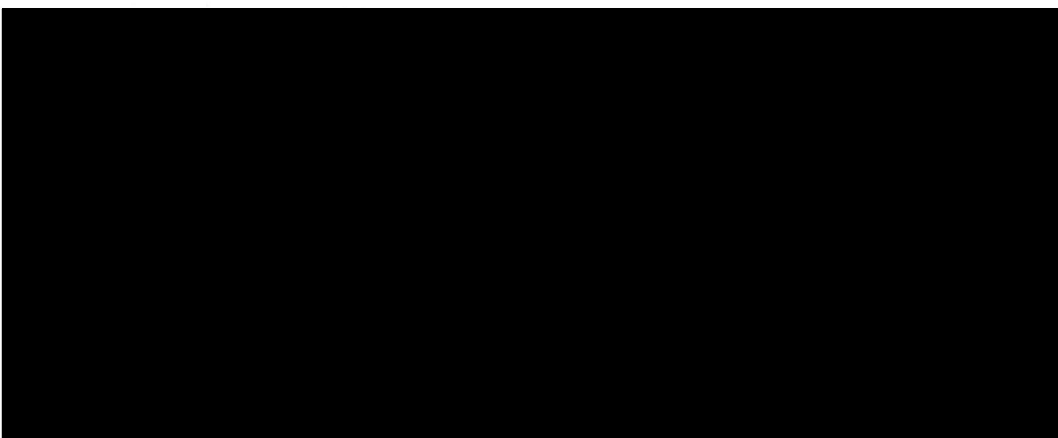
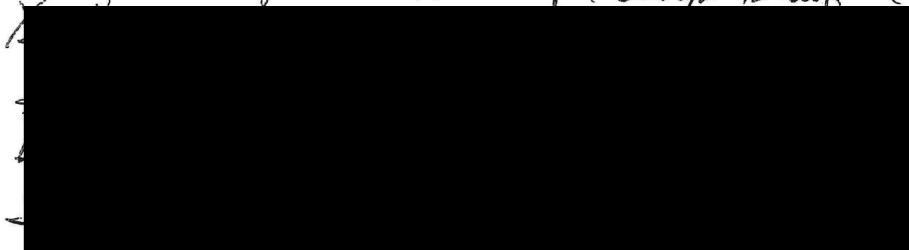


X Kiro - blackboard learning / design study (p. 74+78). (preliminary)  
X Kiro - blackboard learning / design study (p. 74+78). (preliminary)





X Keise - flowback learning / design study (p74+78) (preliminary results)



Datum / Date:

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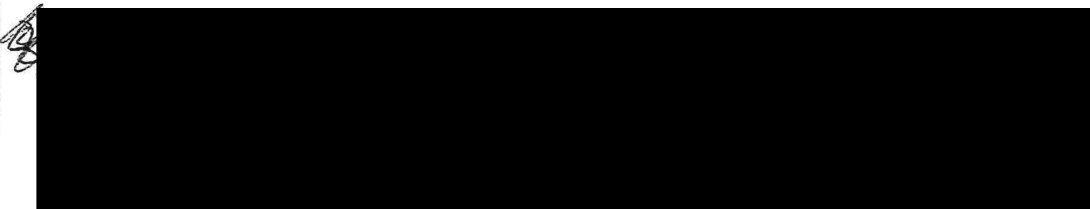
Year	Number of cases per 100,000 population
1990	10
1991	12
1992	15
1993	18
1994	22
1995	25
1996	28
1997	32
1998	35
1999	38
2000	45

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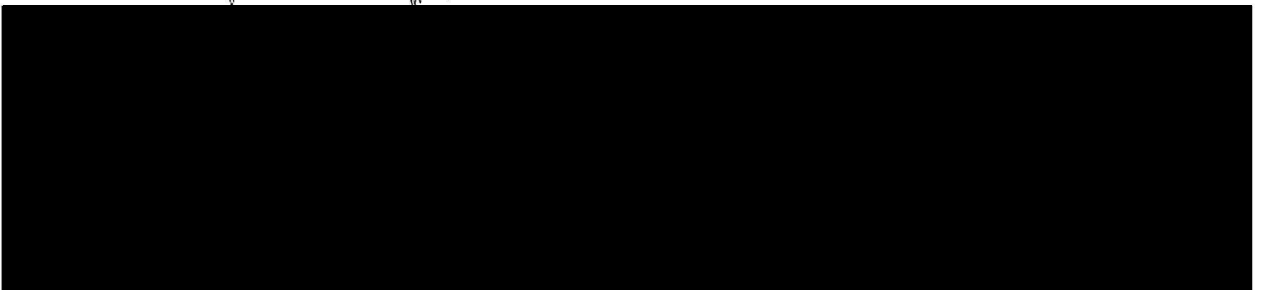
\_\_\_\_\_

[REDACTED]

1 - need ~~a group~~ review of ~~the~~ Comprehensive ERP  
with all affected groups - must not throw it over the  
fence - need a plan for ~~the~~ how + who to  
roll out / train



Kudos - ERP - integrated practice, Really good roll out, testing + learning  
- time in field w/ [initials] team



Datum / Date:

Reid - No rollout plan 4 gun monitors leading to confusion of line and staff.

- No plan for ER process (owner personal ownership)
- Staffing approach - ~~are~~ - not developing ~~the~~ staffing team (complaints of lack of clarity) (leavers)
- negativity w/ peers - not peer ~~cohesive~~ behavior
- Clear proposal with solid recommendations e.g., <sup>Trace</sup> vehicle cell phone ~~block~~ software, CSE signs, vehicle tailgate stickers (12/18 ~~note~~ email to Reid, and not to me)
- not following through + closing actions - see 1/6 LT item for example
- not communicating to peers on key actions that impact them, e.g. annual controls, safety mg.

\* also see my  
Policy spreadsheet  
Comments + updates  
"passive" - Mabe

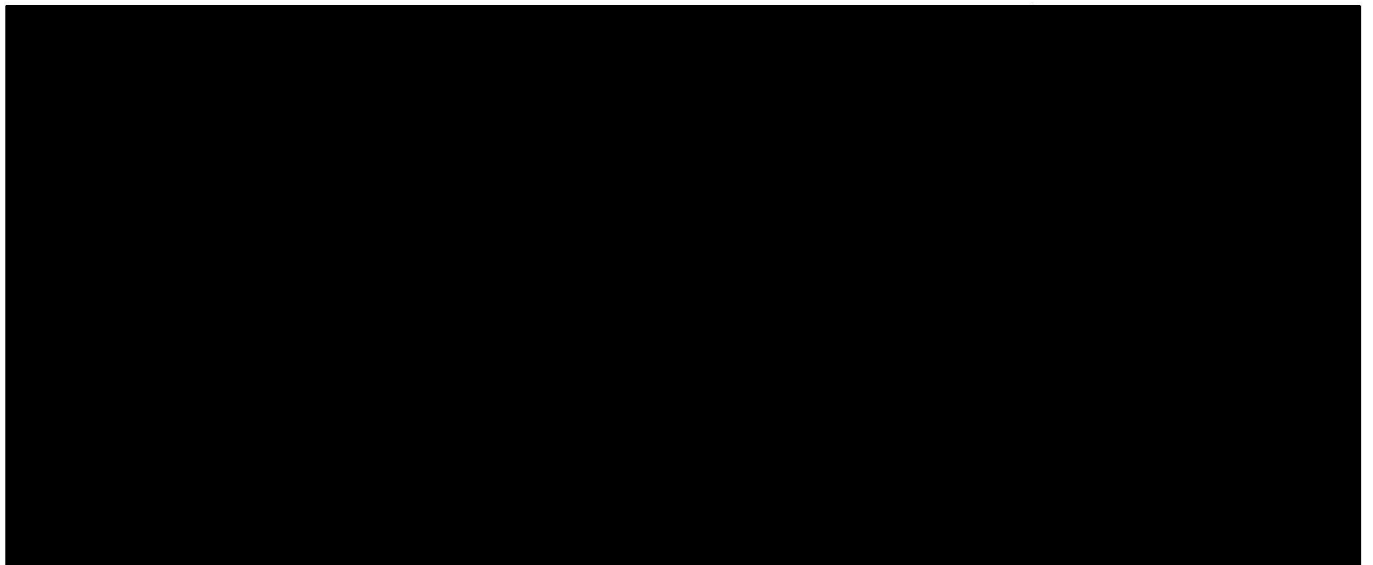
Datum / Date:

ERP - Keith will get notes on plan forward

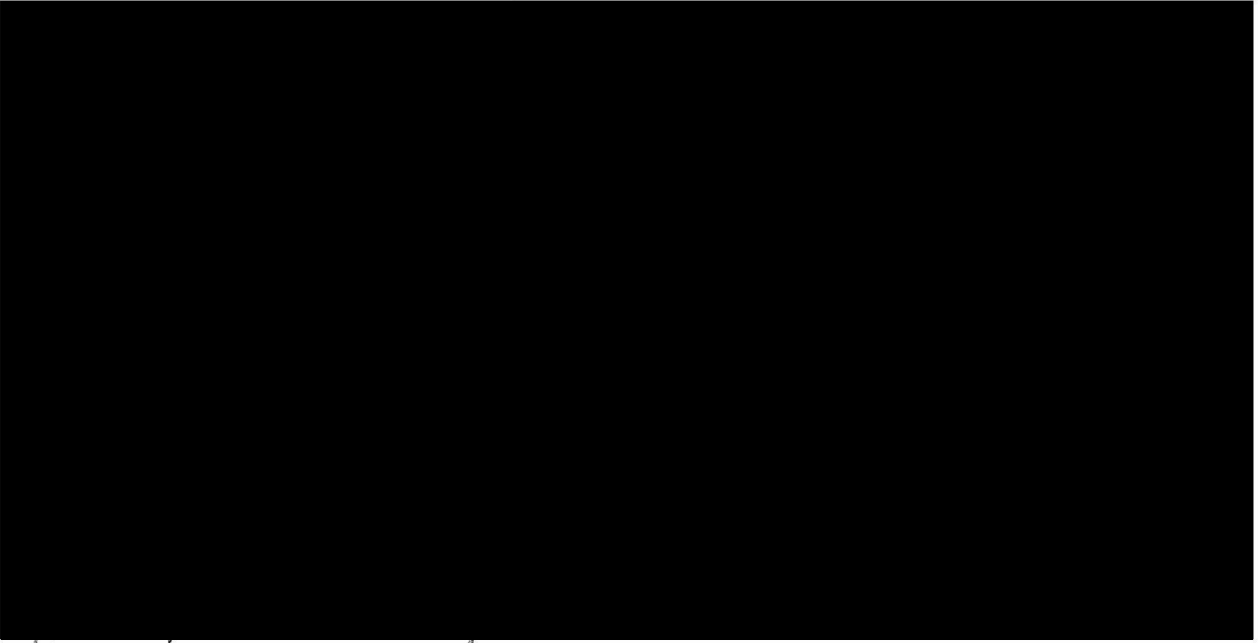
Wednesday, January 22, 2020



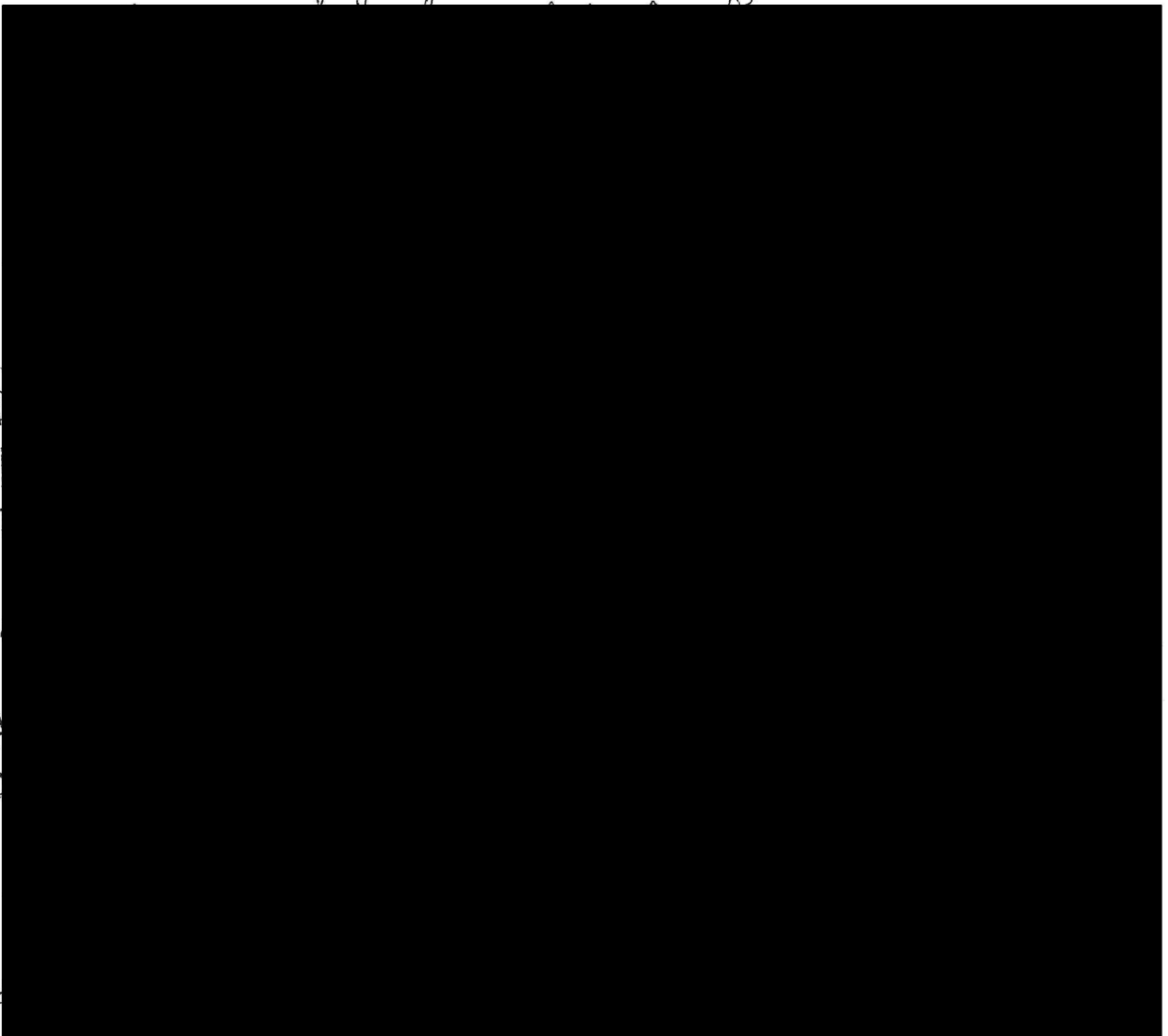
\* Keith re ERP plan/dates - see (p113)

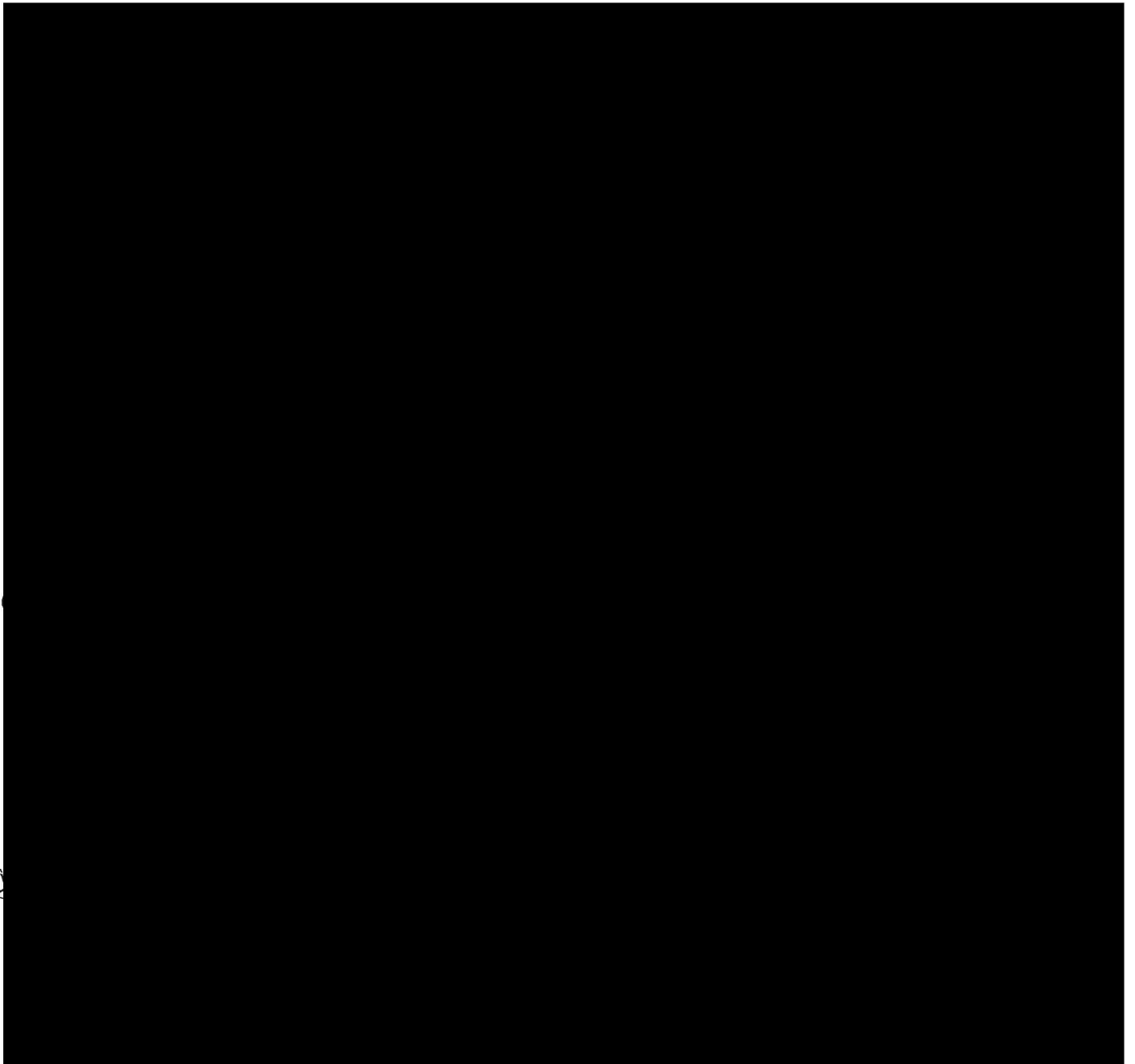






Risk - Contractor safety agenda didn't stick well; inched this week





Keith - When I asked about confusion re 4 gas (email of today)  
he blamed Chris Vasquez - "they were not supposed to use them".  
I said it was his lack of communication. He is not accepting  
responsibility...

Mike - Keith - "he is 'always' right; he never listens". Wants  
a PIP.

Datum / Date:

Tuesday, January 28, 2020

Keith:

- Communicate, support, be both an ~~active~~ effective leader ~~and~~ and follower as appropriate with peer HSE leaders. Help them successfully support you <sup>by</sup> providing clear communication & (verbal and written) on your activity that impacts their supported business, and in your overall activity for awareness and peer support. Listen, and incorporate positive / constructive feedback, and where not appropriate, explain the rationale so they understand + support. (Debate vigorously, but then when called, run the play). Help them likewise in their activity. ~~to~~ Challenge + support their progress. Showcase to them with materials they can use to communicate effectively within their supported business.
- Follow through on projects / activities. Propose / plan, vet with peers and operations, complete + report out, gather / request feedback, integrate CI from learning. Deliver at pace. ~~to~~ Identify improvements needed. ~~Be a~~ (Be a go getter / possessor). Then get it done.
- see ADP sample statements re performance to develop PIP actions...
- As a leader, be a self starter. Even if I don't tell you what to do or how to do it, you are expected to progress the HSE improvement agenda and administrative responsibilities.

Dong - believe Keith is "just going along with VPST, because that's what he's been told to do." Just doesn't see the value that the line does and won't be supportive.

Datum / Date:

Darla Miller on Keith ~ 9/13 via text: "Keith is a cancer. He doesn't produce anything but mayhem and distrust. Please be careful. He is disgruntled and he is getting away with his destructive ways."

My September LPI 360 Comments to Keith (from Susan 1/28/20):

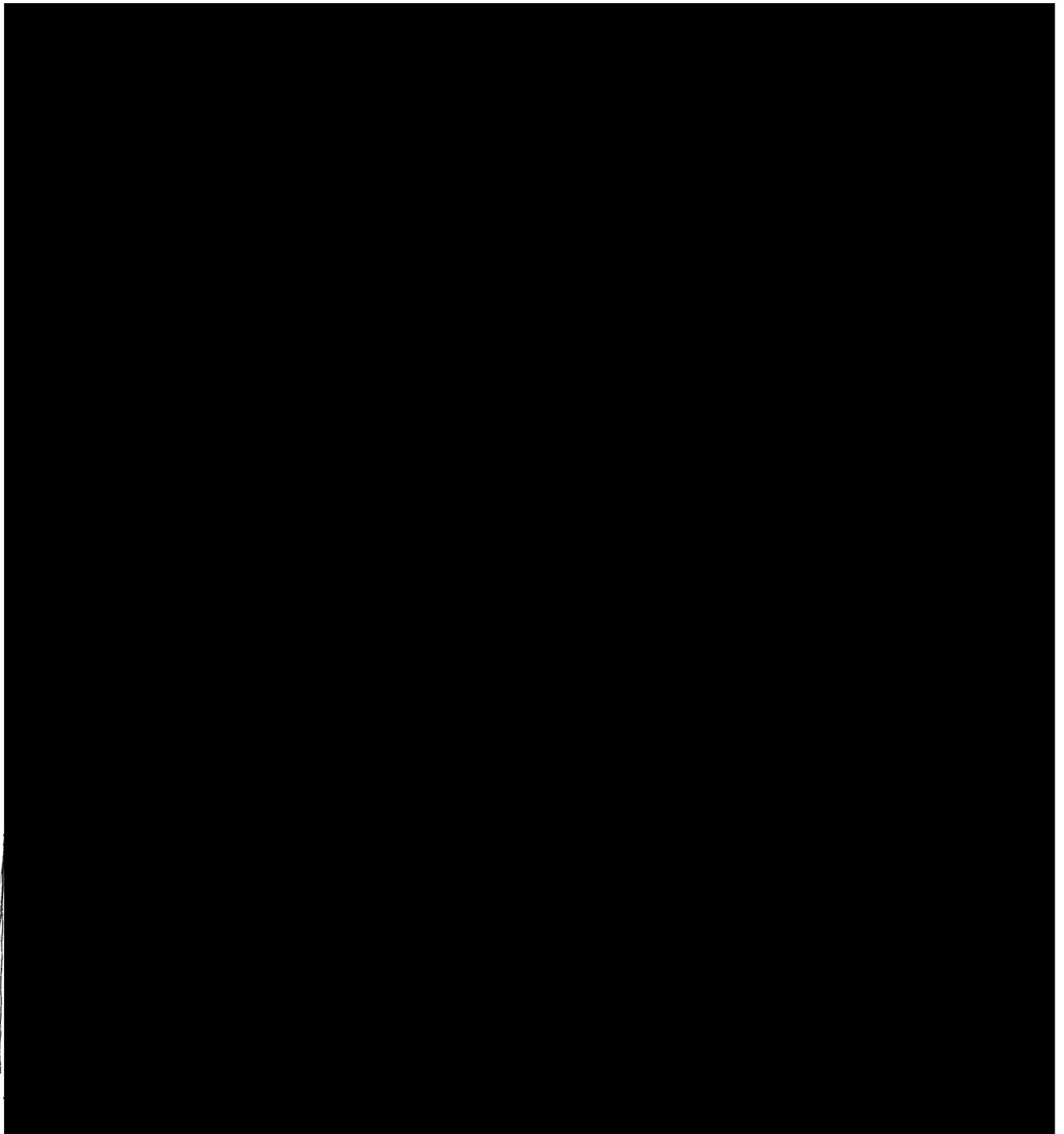
- + Broad technical capability
- + Broad Endeavor experience and knowledge
- Perception of team and leadership of negativity
- Plan and run an offense - Communicate CI ownership to team, peers, line organization; identify, and where problems, focus on and build solutions; drive out negative comments; inspire and be a role model for team and peers; follow through and deliver agreements.
- Model the Way = 32/60
- Inspire a Shared Vision = 29/60
- Challenge the Process = 26/60
- Enable Others to Act = 35/60
- Encourage the Heart = 32/60

Keith projects / actions:

- Effectual ERP Endeavor with robust roll-out
  - promised to set a meeting w/me 1/13 on roll out. Ø
  - integrate facilities 10/17
  - Requested Completion plan 9/30 < assigned 9/16 + plan request
  - identified / reentered 8/14
- Richer Ranch investigation
  - late 8/12 + agreed to complete
  - 8/20 - poor quality / coached
  - never delivered

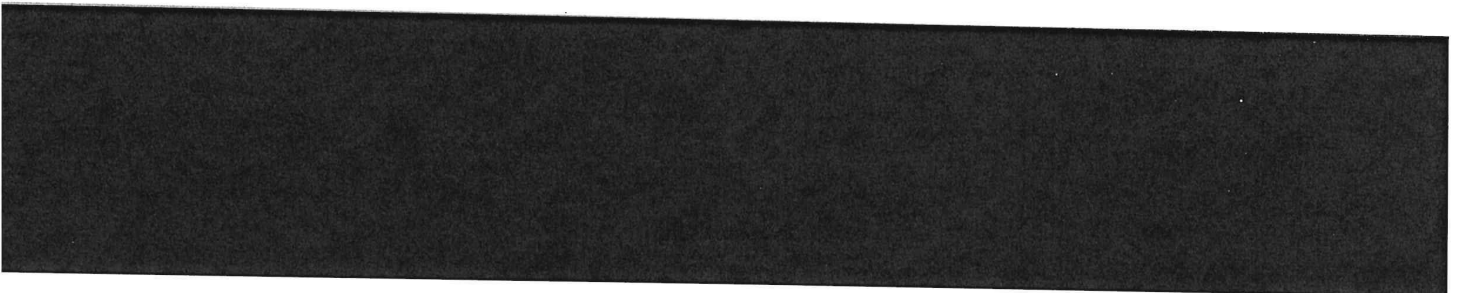
Datum / Date:

Wednesday, January 29, 2020



Chris White - she is facilitating Contractor safety meeting. Needs help with Well Construction. Keith was supposed to have worked this out with Nick...

Keith - I had talked to Nick. He had not communicated with <sup>Chris</sup> her this info. Dumped the problem on her; Confusing to her + Make





Datum / Date:

Keith papers/actions

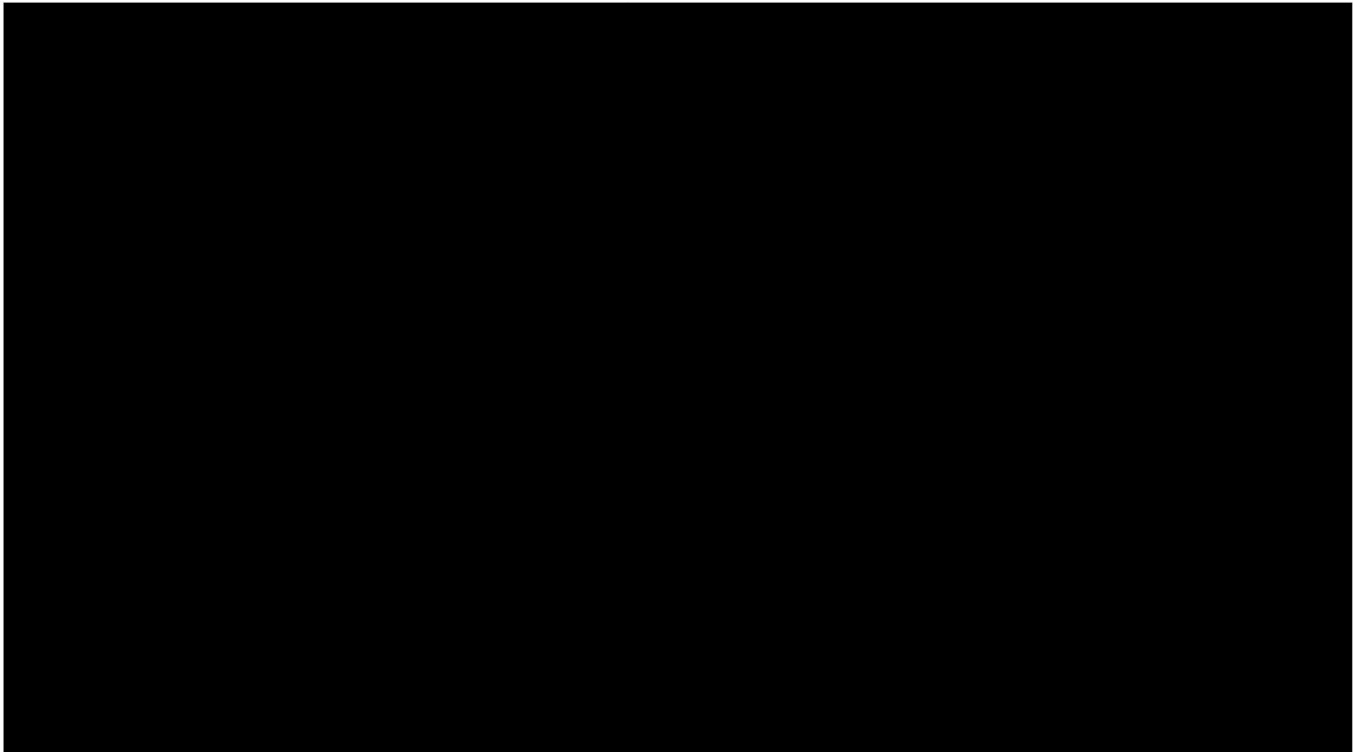
- flowback + battery start up - review of learnings + are we improving. Communicated assignment 9/30. Use design issues fixed.
- re-emphasized <sup>10/28</sup> ~~10/28~~ per Church's 10/23 comments
- he said nothing at 11/4 mtg + 11/11
- Committed to get preliminary results 11/18
- no preliminary review or anything ~~presented~~ presented to me

Mark + Cliff

- Keith Objectives
- effectively deliver ER
- effectively deliver 4gas
- sustain UPS7 methodology
- flowback learning/improvement
- \* - agree Keith does not plan or communicate well (sheet of music)
- \* - have stopped receiving comments of an ES incident on their site. Keith can ensure this is done.

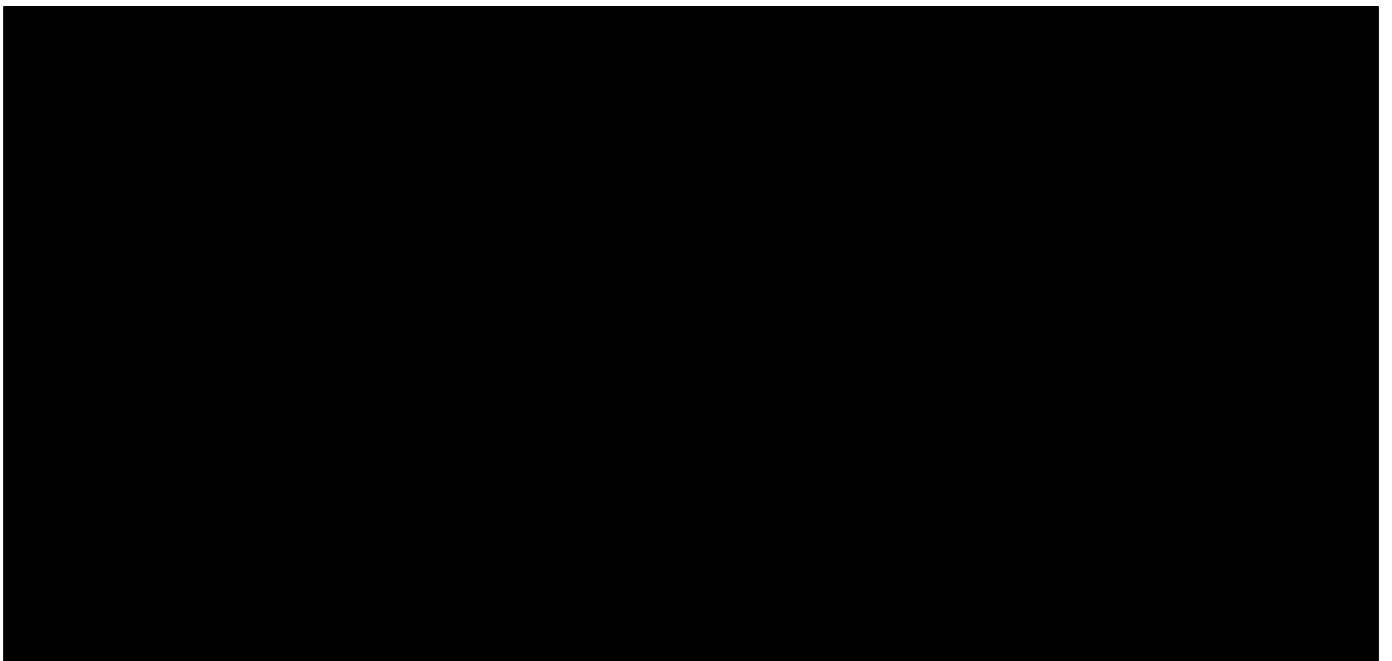
Datum / Date:

10:30 Thursday, January 30, 2020

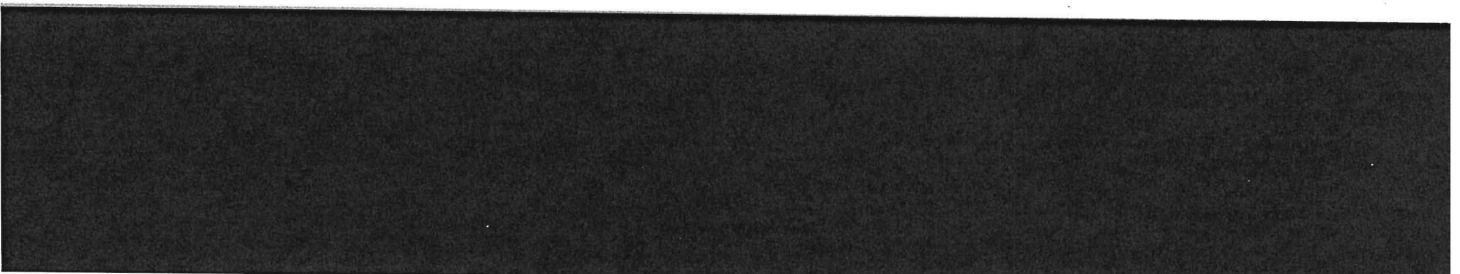


- \* Phil - ERP ~~not~~<sup>1)</sup> not written for all end users - just 1 application
- 2) not settled with users or customers 3) plan <sup>(development or rollout)</sup> not understood
- 4) formatting + clean up

\* Phil - Kevin is a good guy but is not getting it or supporting  
of changing to progress improvements - likes to stick to old ways (just  
do the minimum).



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Datum / Date:

Tuesday, February 11, 2020

Amanda - a) will look at market data, ranges and adjustments / promotion in ~ May

- Keith: 1) team feedback that very negative. Pushing back on everything. 2) holding on to administration / choosing not to be a leader. 3) he was undermining me. 4) nothing to tell connect of disableness. 5) she can go talk to team. 6) does not believe in PAP's - I agree 7) believe he is actively working



Datum / Date:

against me, and I need to get him out of Production 8) now will always be on guard and this is no way to work. 9) Next step is for her to talk with his reports, indirectly w/ Mark + Cliff, and w/ Angie?

Wednesday, February 12, 2020

\* Mark + Cliff - Has not been clear communicated to them from Keith on use of insider investigation. They did not know this! They also want to practice on more letters than not. Speculation also not clear.

-Keith he will re-communicate and make sure this process

Datum / Date:

Thursday, February 13, 2020

- M-files
- intended to replace the <sup>shared</sup> network folders (not user drive)
  - ability for document collaboration
  - ability for sharing more easily
  - why not allow folder structure

Keith Enders - was the ~~big~~ lead for this and did

Datum / Date:

not progress, and let it fall apart / did not support per the M-fidertan.

\* Jose - 4gas - Keith is not understanding that these are not acceptable, and is not listening to Joe / Chris. Keith is not being responsive. - I documented email to Keith to plan a resolution

Mike - Keith - agrees, not the leader ~~we~~ we need. Will get back together next week on plan & forward.

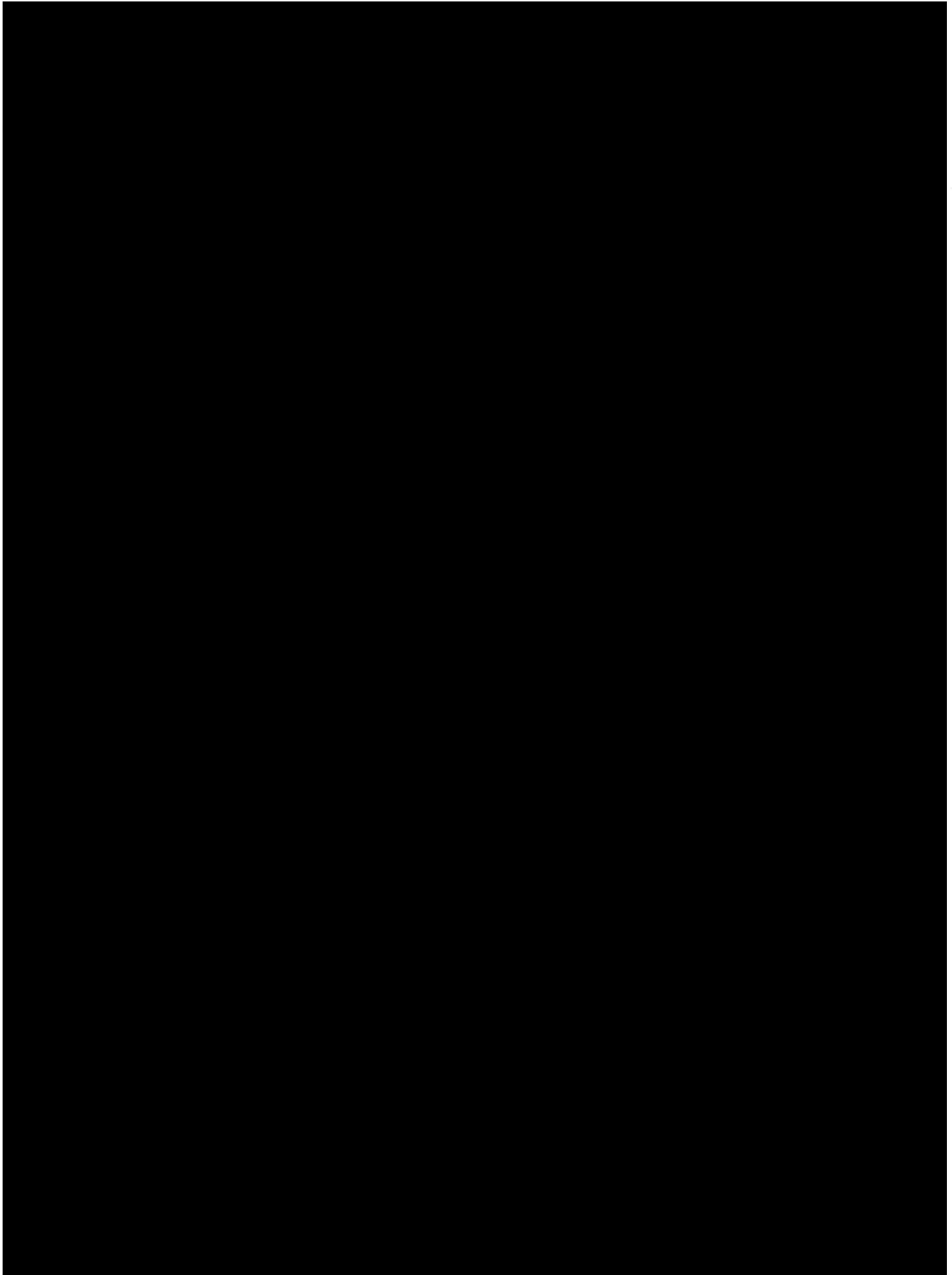
Datum / Date:

Why change (Kick out):

- Vision of top-tier operator
- Production doubled in last 3 & doubling again, plus leverage and complexity
- Lack of leadership and desire to progress HSE capability, capacity and delivery. Not advocating the ~~prop~~ vision and progress, and even being deconstructed.
- - Others and team getting on board, but frustrated that there / a leader is not.
- ~~then~~ the expectation and accountability for me was to make significant change, a step-change, and I cannot do it with status quo.

Wednesday, February 19, 2020

Datum / Date:



Mike - agree to terminate, work details / plan w/ HR.  
- talk to Linda re severance for 2014 bonus, esp 1st pay x 5 hrs  
severance plus some portion of 2014 bonus, e.g. \$25K. This is not

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Datum / Date:

To keep him whole or reward for 2019 performance, 2011 lack of performance is reason for termination. I'm help...

Ammands

\* ret mtg w/ Keith

\* focus on

• leadership capabilities

• passion / drive / ownership / positive influence

\* ret mtg w/ my kids for 3:30 Wed

\* ret mtg w/ tee for 07:30 Thursday

Mia - Angie upset w/ Keith. He is so negative and ~~un~~unhelpful.

Friday, February 21, 2020

Keith Termination:

- "his brother in law is an employment lawyer and will be happy to read this"